

Mandatory minimum sentences have been studied extensively and have been found to distort rational sentencing systems, to discriminate against minorities, waste money, and to violate common sense. And to add insult to injury, studies have shown that mandatory minimum sentences fail to reduce crime. Mandatory minimum sentences, based merely on the name of a crime, remove sentencing discretion from the sentencing commission and the judge. Regardless of the role of the offender in the particular crime, the lack of a criminal record, or the facts and circumstances of the case, the judge has no discretion but to impose the mandatory minimum set by legislators long before the crime has been committed. Even if, after hearing all the facts at trial, everyone involved in a case - the arresting officer, prosecutor, judge and victim - believe that the mandatory minimum would be an unjust sentence for a particular defendant, it still must be imposed. Families Against Mandatory Minimums (FAMM), the American Bar Association, the Judicial Conference of the United States, and many other major organizations focusing on criminal justice oppose mandatory minimum sentences.□

The problems with mandatory minimum sentences can be seen in cases such as the Marissa Alexander case where on Friday, May 11, 2012, she was sentenced to a 20 year mandatory minimum sentence for firing a gun to ward off her abusive husband with no intent of shooting him. We saw the same mindless application of mandatory minimums in the cases of 17 year old Genarlo Wilson, and 18 year old Marcus Dixon, who were sentenced to 10-year mandatory minimums, in separate cases, for engaging in consensual sex with their 15 year old girlfriends. Mandatory minimums should be eliminated to allow judges to sentence offenders based on the facts and circumstances of the case, and the offender's role and criminal record. The first step in ending them is to stop Congress and state legislatures from passing new ones.

**Rep. Bobby Scott is the Ranking Member of the Subcommittee on Crime, Terrorism and Homeland Security on the House Judiciary Committee.**

For additional information:

- Report: [Cruel and Unusual: U.S. Sentencing Practices in a Global Context](#)
- New York Times: [A Tough Judge's Proposal for Fairer Sentencing](#)

